

tags attached to the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 45 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 45 per cent of protein, whereas it did contain less than 45 per cent of protein.

On March 10, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13457. Misbranding of ground beef scrap. U. S. v. M. L. Shoemaker & Co. (Inc.). Plea of guilty. Fine, \$25. (F. & D. No. 19270. I. S. Nos. 10599-v, 22266-v.)**

On January 20, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against M. L. Shoemaker & Co. (Inc.), trading at Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about January 23 and June 4, 1924, respectively, from the State of Pennsylvania into the State of Maryland, of quantities of ground beef scrap which was misbranded. The article was labeled in part: "Shoemaker's Swift-Sure \* \* \* Ground Beef-Scrap For Poultry Guaranteed Analysis Protein 55% \* \* \* Fibre 1%" (or "Protein 55-65%") "Manufactured By M. L. Shoemaker & Co. Incorporated Philadelphia, Pa."

Analyses by the Bureau of Chemistry of this department of a sample from each of the consignments showed that the said samples contained 49.5 per cent and 49.8 per cent, respectively, of protein. Analysis of a sample of the product consigned June 4, 1924, showed that the said sample contained 2.38 per cent of fiber.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 55% \* \* \* Fibre 1%," borne on the sacks contained in one shipment of the article, and the statement "Guaranteed Analysis Protein 55-65%," borne on the sacks contained in the other shipment thereof, were false and misleading, in that the said statements represented that the article contained not less than 55 per cent of protein and that the article in one shipment contained not more than 1 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein and that in one shipment it contained not more than 1 per cent of fiber, whereas it did contain less than 55 per cent of protein, and in one shipment it contained more than 1 per cent of fiber.

On May 11, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13458. Adulteration and alleged misbranding of sirup. U. S. v. 43½ Cases of Sirup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19380. I. S. No. 21010-v. S. No. W-1621.)**

On December 15, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 43½ cases of sirup, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Coastwise Mercantile Co., from San Francisco, Calif., November 14, 1924, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "FGF Specially Flavored Table Syrup \* \* \* E. A. Archibald Jr., Distributor San Francisco."

Adulteration of the article was alleged in the libel for the reason that glucose had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "FGF Specially Flavored Table Syrup" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 9, 1925, E. A. Archibald, jr., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13459. Misbranding of Sal-Tonik. U. S. v. 5 Packages of Sal-Tonik. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18010. I. S. No. 5651-v. S. No. C-4164.)**

On November 13, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 packages of Sal-Tonik, remaining in the original unbroken packages at Ihlen, Minn., alleging that the article had been shipped by the Guarantee Veterinary Co., from Sioux City, Iowa, on or about October 9, 1923, and transported from the State of Iowa into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 89.3 per cent of salt (sodium chloride) containing small amounts of sulphur, sodium sulphate, sodium carbonate, iron oxide, and calcium carbonate, with traces of a magnesium compound and plant material.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing on the carton containing the said article and in the accompanying circular, (carton and circular) "Disease Preventive Worm Destroyer," (circular) "composed of \* \* \* worm destroying drugs \* \* \* worm destroyers \* \* \* Is A Vermifuge (Worm Destroyer) \* \* \* stock \* \* \* will Doctor Themselves Automatically \* \* \* supplies them with \* \* \* vermifuges (worm destroyers) just When and Where your hogs \* \* \* sheep \* \* \* cows \* \* \* horses need them and Doctors Them Automatically \* \* \* positively destroys stomach worms and free intestinal worms As Soon As They Are Hatched \* \* \* This is the \* \* \* way to rid your stock of worms \* \* \* prevents many diseases caused by these worms \* \* \* works along the lines of prevention: that is Kill The Worm While It Is Small \* \* \* Is intended to keep your animals From Getting Sick \* \* \* to Destroy The Worm As Soon As It Is Hatched," regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the labeling stated "Red Pepper (Capsicum) present," whereas analysis showed that it was absent.

On June 18, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**13460. Adulteration of canned tuna fish. U. S. v. 17 Cases and 12 Cans of Tuna (Tonno) Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19467. I. S. No. 20710-v. S. No. W-1623.)**

On January 8, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases and 12 cans of tuna fish, remaining in the original unbroken packages at Denver, Colo., consigned by the Van Camp Sea Food Co. (Inc.), San Pedro, Calif., alleging that the article had been shipped from East San Pedro, Calif., on or about February 29, 1924, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Van Camp's Brand Tonno \* \* \* Packed By Van Camp Sea Food Co. San Pedro, Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten tuna fish.